

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

David E. Aspnes et al.

Application No.: 10/653,306

Filed: September 2, 2003

For: BROADBAND SPECTROSCOPIC
ROTATING COMPENSATOR
ELLIPSOMETER

Confirmation No.: 2771

Group Art Unit: 2877

Examiner: Z.V. Smith

**RESPONSE TO OFFICE ACTION
MAILED APRIL 20, 2004**353 Sacramento Street, Suite 2200
San Francisco, CA 94111
Telephone: (415) 772-4900M/S AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**CERTIFICATE OF MAILING**I hereby certify that this correspondence is being deposited
with the United States Postal Service as First Class Mail in an
envelope, addressed to: Commissioner for Patents, P.O.
Box 1450, Alexandria, VA 22313-1450 on July 7, 2004.

STALLMAN & POLLOCK LLP

Dated: 07/7 /2004

By:

Georgia K. Smith

Sir:

In response to the Office Action mailed April 20, 2004, Applicants request
reconsideration for the following reasons.

In the Office Action, claims 50-70 were rejected under the judicially created doctrine of
obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent
No. 6,650,415. In response, Applicants have filed a terminal disclaimer with respect to U.S.
Patent No. 6,650,415. In view of the above, it is believed that the case is now in condition for
allowance and early action is respectfully requested.

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: July 6, 2004

By:

Michael A. Stallman (Reg. No. 29,444)

Attorneys for Applicant(s)



STALLMAN & POLLOCK LLP
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(415) 772-4900

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Atty Docket No. TWI-5440

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M/S AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmittal herewith is an amendment in the above-identified application.

The fee has been calculated as shown below.

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL	14	MINUS	20	0	x \$18 =	\$0
INDEP.	1	MINUS	3	0	x \$86 =	\$0
FIRST PRESENTATION OF MULTIPLE DEP CLAIMS					+ \$290	\$0
					TOTAL	\$0

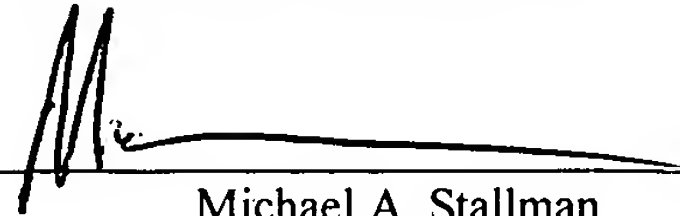
Small Entity 50% Filing Fee Reduction (if applicable) \$0

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.)

- ☒ Attached for filing: (a) Terminal Disclaimer; and (b) Change of Attorney or Agent's Address.
- ☒ A check in the amount of \$110.00 is attached to cover the Terminal Disclaimer filing fee.
- ☒ Please charge any additional fees, including any fees necessary for extensions of time or credit overpayment to Deposit Account No. 50-1703, under Order No. 50-1703.
A duplicate copy of this sheet is enclosed.
- ☐ Petition for extension of time. The undersigned attorney of record hereby petitions for an extension of time pursuant to 37 C.F.R. § 1.136(a), as may be required, to file this response.

STALLMAN & POLLOCK LLP

Dated: July 6, 2004

By: 
Michael A. Stallman (Reg. No. 29,444)
Attorneys for Applicant(s)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 7, 2004.

Dated: July 7, 2004

By: 
Georgia K. Stith